

# LEGAL REAL ESTATE RECORD COMPLETE

## COURT PROCEEDINGS

MONDAY, APRIL 3, 1916.

### Supreme Court of the United States

Present: The Chief Justice, Mr. Justice McKenna, Mr. Justice Holmes, Mr. Justice Hughes, Mr. Justice Van Devanter, Mr. Justice Pitney and Mr. Justice McReynolds.

Walter V. Hoagland, of North Platte, Neb.; B. E. Tatum, of Chattanooga, Tenn.; J. Leicester Watts, of Richmond, Va.; Joseph Madden, of Keene, N. H.; R. N. Simms, of Raleigh, N. C.; William J. Mulligan, of Hartford, Conn.; J. Grattan MacMahon, of Brooklyn, N. Y.; William Shannon Nelson, of Columbia, S. C.; Sam J. Nicholls, of Spartanburg, S. C.; Ira A. Campbell, of San Francisco, Cal.; Bernard J. Killian, of Chicago, Ill.; Louis B. Williams, of New York City; William W. Kitchin, of Raleigh, N. C.; Charles Tovey, of Boston, Mass.; Samuel W. Foster, of Philadelphia, Pa.; Herman A. Heller, of New York City; Cecil E. Hall, of Greensburg, Pa.; George E. Barron, of Greensburg, Pa.; Stuart Chevalier, of Louisville, Ky.; Edward F. Merrey, of Paterson, N. J.; Albert O. Miller, Jr., of Passaic, N. J.; William Harold Hitchcock, of Boston, Mass.; John K. English, of Elizabeth, N. J.; Harold R. Waldo, of Salt Lake City, Utah; Patrick H. O'Donnell, of Chicago, Ill.; Leon R. Smith, of Shreveport, La.; Richard D. Davis, of Waco, Tex.; and Thomas L. Jones, of Washington, D. C., were admitted to practice.

No. 264—G. F. Varner et al., appellants, vs. the New Hampshire Savings Bank et al.

No. 265—The Haines Tile and Mantel Company, appellant, vs. the New Hampshire Savings Bank et al., and

No. 266—The Jackson-Walker Coal and Material Company, appellant, vs. the New Hampshire Savings Bank et al. Appeals from the United States Circuit Court of Appeals for the Eighth circuit. Decrees affirmed with costs, and causes remanded to the court of the District of Columbia. Opinion by Mr. Justice McReynolds.

No. 267—Southern Express Company, plaintiff in error, vs. John Byers. In error to the Supreme Court of the State of North Carolina. Judgment reversed with costs, and cause remanded to the court of the State of North Carolina. Opinion by Mr. Justice McKenna and Mr. Justice Holmes concur in the result.

No. 268—Central Trust Company of Illinois, trustee, etc., appellant, vs. Chicago Auditorium Association; and

No. 269—Chicago Auditorium Association, appellant, vs. Central Trust Company of Illinois, trustee, etc. Appeals from the United States Circuit Court of Appeals for the Seventh circuit. Decree in No. 268 affirmed with costs. Appeal in No. 269 dismissed, and writ of certiorari granted, and decree reversed with costs, and remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Pitney.

No. 270—Herman H. Pines et al., appellants, vs. Thomas F. Pines et al., appellees from the District Court of the United States for the Eastern District of Michigan. Decree affirmed with costs. Opinion by Mr. Justice Pitney.

No. 271—Henry A. Usher et al., appellants, vs. the United States, appellees from the Court of Claims. Judgment reversed, and cause remanded with direction to enter judgment in favor of the appellants for the tax collected in excess of that amount. Upon the interest of the residuary legatees. Opinion by Mr. Justice Pitney. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 272—The United States of America, plaintiff in error, vs. Union Manufacturing Company et al. In error to the District Court of the United States for the Southern District of Florida. Judgment reversed, and cause remanded for further proceedings in accordance with the opinion of this court. Opinion by Mr. Justice Pitney.

No. 273—Jennie A. Willink, executrix, etc., appellant, vs. the United States, appellees from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Van Devanter. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 274—Detroit & Mackinac Railway Company, plaintiff in error, vs. Michigan Southern & Northern Railway Company, etc., appellees from the Supreme Court of the State of Michigan. Judgment affirmed with costs. Opinion by Mr. Justice Van Devanter. (Mr. Justice McReynolds is of opinion that the judgment is not final within the meaning of section 27, of the Judicial Code, and therefore that the writ of error should be dismissed.)

No. 275—Frank G. Farnham, appellant, vs. the United States. Appeal from the Court of Claims. Judgment affirmed. Opinion by Mr. Justice Hughes. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 276—Harriet A. Barlow, plaintiff in error, vs. Charles E. Yates et al., plaintiff in error, vs. Charles E. Yates et al., and

No. 277—Uticca Bank, plaintiff in error, vs. Charles E. Yates et al., and

No. 278—Thomas Bailey, plaintiff in error, vs. Charles E. Yates et al. In error to the Supreme Court of the State of Nebraska. Judgments reversed with costs, and causes remanded with instructions to reinstate the judgments entered in the District Court. Cause affirmed by Mr. Justice Hughes.

No. 279—Carl V. Ackerman, administrator, etc., appellant, vs. the United States. Appeal from the Court of Claims. Judgment reversed, and cause remanded for further proceedings in conformity with the opinion of this court. Opinion by Mr. Justice McKenna. (Mr. Justice McReynolds took no part in the consideration or decision of this case.)

No. 280—Armour & Company, plaintiff in error, vs. the State of North Dakota. In error to the Supreme Court of the State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 281—St. Louis, Iron Mountain & Northern Railway Company, plaintiff in error, vs. the State of Arkansas. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 282—Indian Territory Illuminating Oil Company, plaintiff in error, vs. The State of Oklahoma. In error to the Supreme Court of the State of Oklahoma. Judgment reversed with costs, and cause remanded for further proceedings not inconsistent with the opinion of this court. Opinion by Mr. Justice McKenna.

No. 283—Harriet A. Barlow, plaintiff in error, vs. Northern Pacific Railway Company. In error to the Supreme Court of the State of North Dakota. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 284—Seaward Air Line Railway, plaintiff in error, vs. S. W. Kenney, administrator, etc. In error to the Supreme Court of the State of North Carolina. Judgment affirmed with costs. Opinion by Mr. Justice McKenna.

No. 285—Farmers and Merchants' National Bank of Philadelphia, vs. Ridge Avenue Bank et al. On a certificate from the United States Circuit Court of Appeals for the Third circuit. Question certified answered in the affirmative.

### The Chief Justice also announced the following orders of the court:

No. 1. Original—The State of New Mexico, complainant, vs. Franklin K. Lane, Secretary of the Interior. Motion for leave to file bill of complaint granted, and process ordered to issue returnable on Monday, May 1, next.

No. 2. Original—The State of New Mexico, complainant, vs. Franklin K. Lane, Secretary of the Interior. Motion for leave to file bill of complaint granted, and process ordered to issue returnable on Monday, October 9, next.

No. 3. Original—The State of Georgia, complainant, vs. The Tennessee Copper Company and The Duckworth Sulphur Copper and Iron Company, Ltd. Decree entered confirming report of commissioners to fix boundary line.

No. 4. James Sim, petitioner, vs. William Edmonson, and

No. 5. Thomas P. Alder, petitioner, vs. William Edmonson. Ordered that these cases be restored to the docket for reargument before a full bench.

No. 6. Mark Craig, plaintiff in error, vs. Commonwealth of Kentucky. Ordered that this case be restored to the docket for reargument, and assigned for Monday, May 1, next.

No. 7. John H. Sears, trustee, etc., appellant, vs. the City of Akron. Motion for advance on writ of certiorari granted.

No. 8. The Newark Natural Gas & Fuel Company, plaintiff in error, vs. The City of Newark, Ohio. Ordered that this case be placed on the summary docket.

No. 9. Houston Oil Company or Texas, et al., petitioners, vs. Goodrich et al. Motion to affirm or place on summary docket denied.

No. 10. The City of Colorado, Tex., petitioner, vs. Clarence M. Harrison. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth circuit denied.

No. 11. Alvin H. Stout, petitioner, vs. the United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth circuit denied.

No. 12. William E. Crutchley, petitioner, vs. National Piping Company. Petition for writ of certiorari to the District Court of the United States for the District of Columbia denied.

No. 13. C. Johnson, trustee, etc., petitioner, vs. Louisville Woolen Mills. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth circuit denied.

No. 14. The United States, appellant, vs. Lehigh Valley Railroad Company et al. Reassigned for argument on Tuesday, October 10, next, on motion of Mr. Solicitor General Davis for the appellant.

No. 15. Utah Power and Light Company, appellant, vs. the United States; and

No. 16. The United States, appellant, vs. Utah Power and Light Company; and

No. 17. The Beaver River Power Company, appellant, vs. the United States; and

No. 18. The Beaver River Power Company, appellant, vs. the United States; and

No. 19. Lucien L. Nunn et al., appellants, vs. the United States; and

No. 20. The United States, appellant, vs. Lucien L. Nunn et al. Reassigned for argument on Tuesday, October 10, next, on motion of Mr. Solicitor General Davis for the United States.

No. 21. The United States, appellant, vs. Reading Company et al.; and

No. 22. Reading Company et al., appellants, vs. the United States. Reassigned for argument on Tuesday, October 10, next, on motion of Mr. Solicitor General Davis for the United States.

No. 23. George Wakefield, appellant, vs. J. B. Easley, marshal, etc., et al. Appeal from the District Court of the United States for the Northern District of Illinois. Docketed and dismissed with costs, on motion of Mr. Solicitor General Davis for the appellees.

No. 24. Victor Talking Machine Company, vs. the Shantley Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second circuit submitted by Mr. John W. Davis in behalf of Mr. Nathan Kopper in error, and by Mr. Louis Quarles for the respondent.

No. 25. The John Church Company, petitioner, vs. Hilliard Hotel Company et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second circuit submitted by Mr. John W. Davis in behalf of Mr. Moses H. Grossman for the petitioner, and by Mr. Levi Cooke for the respondent.

No. 26. Franklin K. Lane, Secretary of the Interior, plaintiff in error, vs. the United States of America ex relatione Julia Lamere Mickadit et al. Leave granted to file brief herein as amicus curiae, on motion of Mr. Charles J. F. Kopler in error, and by Mr. Charles J. F. Kopler for the respondent.

No. 27. Gold Medal Camp Furniture Manufacturing Company, petitioner, vs. the Telescope Bed Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Second circuit submitted by Mr. W. G. Henderson in behalf of Mr. W. G. Henderson for the petitioner, and by Mr. Allan D. Kenyon for the respondent.

No. 28. Jesse Isidor Straus et al., etc., vs. Victor Talking Machine Company. Motion for advance submitted by Mr. Edmund E. Wise and Mr. Walter C. Noyes for the petitioners, and by Mr. Hector T. Fenton and Mr. Frederick A. Blount for the respondent.

No. 29. Clark Pease et al., petitioners, vs. Ransom Jones Engineering Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth circuit submitted by Mr. F. W. Brandenburg in behalf of Mr. Perry J. Lewis for the petitioner.

No. 30. Original—The State of Missouri, complainant, vs. Chicago, Burlington and Quincy Railroad Company. Answer filed, on motion of Mr. O. N. Spencer for the defendant.

No. 31. Original—The State of Missouri, complainant, vs. Chicago, Burlington and Quincy Railroad Company. Leave granted to file motion to strike out parts of answer, on motion of Mr. J. T. Barker for the complainant.

No. 32. Franklin K. Lane, Secretary of the Interior, plaintiff in error, vs. the United States of America ex relatione Julia Lamere Mickadit, etc., et al. Leave granted to file objections to brief herein as amicus curiae, on motion of Mr. Irving F. Baxter for the defendants in error.

No. 33. Louisville and Nashville Railroad Company et al., appellants, vs. the United States et al. Reassigned for argument on Tuesday, October 10, next, on motion of Mr. E. S. Jouett for appellants.

No. 34. Louisville and Nashville Railroad Company, appellant, vs. Western Union Telegraph Company. Motion for advance submitted by Mr. Edward J. Jouett, Mr. James B. Wright and Mr. Henry L. Stone for the appellant, and by Mr. Alexander Pope Humphrey and Mr. A. E. Richards for the appellee.

No. 35. The United States, petitioners, vs. the United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth circuit submitted by Mr. Marion Smith, Mr. C. L. Bartlett, Mr. John D. Little, Mr. Arthur G. Powell and Mr. F. Goldstein for the petitioner, and by Mr. Solicitor General Davis and Mr. Assistant to the Attorney General Wallace for the respondent.

### No. 688—Monadnock Mills, petitioner, vs. Henry E. Pushey, administrator, etc., et al.

Petition for writ of certiorari to the United States Circuit Court of Appeals for the First circuit, submitted by Mr. Jesse C. Atkins in behalf of Mr. H. W. Parker for the petitioner, and by Mr. George F. Morris and Joseph Madden for the respondent.

No. 861. Paul English et al., petitioners, vs. Ella Wyman Brown et al. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third circuit submitted by Mr. H. C. Brome for the petitioner, and by Mr. Chauncey D. Parker for the respondent.

No. 909. George A. Fuller Company, petitioner, vs. Otis Elevator Company. Petition for writ of certiorari to the Court of Appeals of the District of Columbia submitted by Mr. Edward S. Duval, Jr., for the petitioner, and by Mr. Frederic D. McKenney and Mr. John S. Plummer for the respondent.

No. 950. Fred C. Smith, petitioner, vs. the United States. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh circuit submitted by Mr. Frank S. Bright for the petitioner, and by Mr. Solicitor General Davis for the respondent.

No. 953. Helen Hise et al., petitioners, vs. Western Coal & Mining Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth circuit submitted by Mr. Frederic S. Tyler in behalf of Mr. John H. Vaughn for the petitioners, and by Mr. Edward J. White and Mr. Thomas J. Pryor for the respondent.

No. 958. The Life Assurance Society, plaintiff in error, vs. The Commonwealth of Kentucky, by H. M. Bosworth, auditor. Motion to recall mandate and reform decree submitted by Mr. Frederic S. Tyler in behalf of Mr. Charles H. Morris for the defendant in error.

No. 314. Cheney Brothers Company et al., plaintiffs in error, vs. the Commonwealth of Massachusetts. Motion to postpone hearing submitted by Mr. Charles E. Snow and Mr. William P. Everts for the plaintiffs in error in support of the motion, and by Mr. William Harold Hitchcock for the defendant in error in opposition thereto.

No. 322. Beier Water Heater Company, petitioner, vs. Pittsburgh Water Heater Company. Petition for writ of certiorari to the United States Circuit Court of Appeals for the Third circuit submitted by Mr. Melville D. Church in behalf of Mr. Melville Church for the petitioner.

No. 628. Atlantic Coast Line Railroad Company, plaintiff in error, vs. Lizzie M. Mims, as administratrix, etc. Motion to dismiss or affirm submitted by Mr. William H. Lyles for the defendant in error. Leave granted to counsel for plaintiff in error to file brief within one week, on motion of Mr. F. D. McKenney in that behalf.

No. 629. Lucius E. Johnson, as trustee, etc., petitioner, vs. John E. Nash, as trustee, etc., et al. On writ of certiorari to the United States Circuit Court of Appeals for the Second circuit. Dismissed with costs, on motion of counsel for the petitioner.

No. 630. Whalley, plaintiff in error, vs. Philadelphia and Reading Railway Company. In error to the Supreme Court of the State of Pennsylvania. Dismissed with costs, on motion of counsel for the plaintiff in error.

No. 712. Chas. Quick Wah, appellant, vs. Henry M. White, Commissioner, etc. Appeal from the District Court of the United States for the Western District of Washington. Dismissed with costs, pursuant to the tenth rule of the Supreme Court of the United States.

No. 735. Ignatius T. Lincoln, appellant, vs. James M. Power, U. S. Marshall, etc., et al. Reassigned for argument on Monday, the 17th instant, on motion of Mr. William R. Harr in behalf of counsel for the appellant.

No. 737. E. C. Osborne, receiver, etc., plaintiff in error, vs. F. J. Fennell B. Gray. Argued by Mr. W. L. Frierson for the plaintiff in error, and by Mr. B. E. Tatum for the defendant in error.

No. 626—Menasha Paper Company, plaintiff in error, vs. Chicago and North-western Railway Company. Argued by Mr. Felix J. Streymann for the plaintiff in error, and by Mr. Louis Quarles for the defendant in error.

No. 42—Kansas City Southern Railway Company, plaintiff in error, vs. Mrs. Norah M. Jones, adm., etc. Argued by Mr. S. W. Moore for the plaintiff in error.

Adjourned until tomorrow at 12 o'clock. The day call for Tuesday, April 4, will be as follows: Nos. 626, 735, 628, 629, 372, 731, 654, 402, 77, 656, 830, 448, 614, 847, 863 (and 864 and 865), 611 and 859.

### United States Court of Claims

Chief Justice Edward K. Campbell, Judge Fenton W. Booth, Judge Samuel S. Barney, Judge George W. Atkinson, and Judge George E. Downey.

The Chief Justice announced the following judgments for claimant in:

William Waldo Hyde, administrator. Mrs. Eugene Brown Miller, administratrix. Edward Allen. Amelia McCaugherty, administratrix. The Journal & Tribune Company. Defendants' demurrer overruled. Congressional findings of fact and conclusion in:

Mary K. Corwin, daughter. Wright Hisee. Warren D. Crandall. Clarence W. Denton. James P. Harbeson. Albert H. Van Deusen. Jessie M. Phiney, widow. Gustav G. Thomsen et al., heirs. Geo. D. McKinney. James B. Smith. John C. Andrew. Hattie Williams et al., heirs. Lucy A. Durant, widow. Catherine W. Lewis, widow. Isaac R. Sherwood. S. J. Samuelson vs. United States. Messrs. C. F. Consaul and W. R. Andrews were heard for plaintiff, and Mr. Marvin Farrington for defendants. Dismissed.

Jose Perea vs. United States. Submitted by Messrs. King & King for plaintiff, and Mr. G. T. Stormont for defendant.

Nelis Mortenson, John Davenport and M. Allen vs. United States. Submitted by Harry Peyton for plaintiffs, and Mr. G. T. Stormont for defendants.

Johanna Richenau vs. United States. Case reinstated.

Manchester Liners, Limited vs. United States. Preliminary motion overruled.

Louis Gathman vs. United States. Preliminary motion submitted by defendant's counsel, Mr. H. C. Workman. Emily L. Gerrard vs. United States. Remanded to general docket.

M. N. Miller vs. United States. Dismissed.

Congressional (6 cases). Submitted by Mr. C. D. Pennebaker for plaintiffs, and Mr. F. E. Walker for defendants.

The following cases are posted for trial Tuesday (today).

Trial calendar numbers 185, 187, 188 and 147, 192, 193, 194, 95, 96 and 197.

### Circuit Division No. 1

Justice Gould.

Roth vs. Love; leave granted John Roth to file brief in his appearance as attorney for plaintiff; plaintiff's attorney, L. J. Mather; defendant's attorney, L. J. Mather.

O'Connor vs. The Washington Post; order extending time to submit bill of exceptions to May 1, and to file transcript to June 15; plaintiff's attorney, A. L. Newmyer; defendant's attorney, W. J. Lambert.

Kettner vs. District of Columbia; verdict for plaintiff for \$20, plaintiff's attorney, J. E. Easley-Smith; R. B. Fleaharty and T. W. O'Brien; defendant's attorney, R. J. Whitford.

McCormick vs. Etchison; order continuing January term 1916 to hear motion to set aside judgment in this cause; plaintiff's attorneys, Darr, Peyer & Taylor; defendant's attorney, John Ridout.

Ellerson vs. Belmont; jury respited; plaintiff's attorneys, Douglas, Ruffin & Ober; defendant's attorney, defendant's attorney, W. J. Lambert.

Assignment today:

279—Tract vs. District of Columbia; attorneys, Ridout-Syme.

280—Upperman vs. Washington Railway & Electric Company; attorneys, Newmyer, Lyon & Lyon-Barbour.

### Circuit Division No. 2

Justice Stafford.

Copland vs. Capital Traction Company; five to six; plaintiff's attorneys, Cranford Mackey, J. H. Merille and Isaac R. Hitt; defendant's attorney, Frank J. Hogan.

Patterson vs. Capital Traction Company; certified to Circuit Division No. 1 for trial; plaintiff's attorney, W. C. Haderstrom; defendant's attorney, F. J. Hogan.

Pollock vs. Washington Railway and Electric Company; judgment on verdict for defendant for costs; plaintiff's attorneys, Henry & Minor; defendant's attorney, C. P. Hoover.

Baban vs. Capital Traction Company; judgment on verdict for defendant for costs; plaintiff's attorney, A. A. Birney; defendant's attorney, F. J. Hogan.

Flaherty vs. Allen; judgment on verdict for defendant for costs; plaintiff's attorney, F. J. Hogan; defendant's attorney, Frank J. Hogan.

Cronan vs. Cronan; time to submit bill of exceptions extended to April 20, and to file transcript to May 1; plaintiff's attorneys, B. E. Hinton and J. W. Cox; defendant's attorney, Arthur Peter.

Assignment today:

Gardiner, Hamby-Ellis & Donaldson.

194—Saunders vs. Donnan; attorneys, 374—Holmes vs. Neubeck; attorneys, Gittings & Chamberlain, Mattingly—

276—Groves vs. Grogan & Sons Co.; attorneys, Mather, Downey-Baker, Leahy.

384—The F. H. Smith Co. vs. Hazen; attorneys, Ralston & Richardson-Pack & Pack.

286—Corporate Organization and Audit Co. vs. Castle; attorneys, McLanahan, Burton & Culbertson-O'Brien.

### Chief Justice Covington

United States vs. William G. Madden; violation of act of February 5, 1905; sentenced to penitentiary for five years; placed on probation, recognizance \$100 taken, attorney, J. A. O'Shea.

United States vs. Samuel Lowry; grand larceny; sentenced to penitentiary for two years; attorney, D. W. Baker.

United States vs. David M. McCandlish; forgery; continued for the term; attorney, David W. Baker.

United States vs. Robert Pitts; housebreaking and assault to rape; sentenced to penitentiary for ten years; attorney, O. A. Bligness.

United States vs. Harry Green; assault with dangerous weapon; sentenced to Occoquan for four months; attorneys, Tignor & Tignor.

United States vs. Thomas A. Hackley and Norman F. Hagr; housebreaking and larceny; Hackley sentenced to jail for one year; Hagr, six months.

United States vs. McKenzie and Robert S. Hawkins; violation Section 138 criminal code; McKenzie sentenced penitentiary for two years; Hawkins sentenced jail for four months; attorney, M. B. Baker.

United States vs. Grace L. Rixford, Henry Rixford, Julia Montgomery, George W. Rea and Permelmer M. Etherington; trial of issues reset for Monday, April 10.

United States vs. Champ Stewart; manslaughter; sentenced to penitentiary for seven years; attorney, R. A. Hughes.

United States vs. Edward King; setting up gaming table; continued for term; attorney, J. A. O'Shea.

### Bankruptcy Division

Justice Anderson.

In re Dodek Clothing Company; reference to special master.

In re J. B. Gibbs; reference to special master.

In re M. A. Scher; discharge ordered.

### Law Suits

28006—Joseph W. Peed, administrator of the estate of John R. Peed, deceased, vs. C. Chestnut; damages \$10,000; plaintiff's attorneys, C. W. Fowler and A. A. Birney.

28007—Vera Trepagnier vs. the Pennsylvania Railroad Company; damages \$10,000; plaintiff's attorney, E. L. Glen.

28008—Oscar J. Ricketts vs. Henry W. Zeh (appellant) appeal; defendant's attorneys, W. L. Townsend and F. S. Smith.

28009—Henry W. Zeh (appellant) vs. Oscar J. Ricketts; appeal; plaintiff's attorneys, F. S. Smith and W. L. Townsend.

### Equity Suits

34234—Clara H. Reilly vs. James F. Reilly; for absolute divorce; plaintiff's attorneys, L. A. Block and F. R. Gibbs.

### REAL ESTATE TRANSFERS

Third street and Potomac avenue southeast—Lewis E. Smith et al. to the Smith and Grant Corporation, part original lot 6, square 402, 59.

Uniontown—Laura A. Braunman et al. to Melville E. and Hattie A. Cornish, lots 10 and 15, 59.

1004 B street southeast—Henry C. Hazard et al. to Rita P. Rafferty, part original lot 4, square 402, 59.

Holmes and Charles—Charles M. Olson to Edward T. and Anna E. Nagata, lot 100, block 44, 59.

Kenilworth—Eugene W. Weaver to Samuel R. and Mabel R. Murphy, lots 11 and 12, block 3, 59.

Whitehaven, St. Philip and Jacob—Mary E. Sherier to Thomas W. and Annie Hunsell, lots 5, 6 and 10, block 1, 59.

184 N street northwest—Ava I. Middlekiss to George P. Duxie and Eldridge E. Jordan, lot 66, square 129, 59.

123 Emerson street northwest—Mary C. Hansen to Edwin B. Settle, lot 136, square 1029, 59.

Cherry Chase—Henry L. Breuninger to Wilbur H. and Mabel R. Murphy, lots 11 and 12, block 3, 59.

1004 B street southeast—Henry C. Hazard et al. to Rita P. Rafferty, part original lot 4, square 402, 59.

West Brookland Park—Edward F. Hall et al. to John W. Hall, lot 9, block 4, 59.

Kenilworth—Owen H. Fowler et al. to James H. Fowler, lots 102 and 103, square 4, 59.

North Columbia Heights—Jacob S. Gruver et al. to Thomas J. and Sharrle S. Hurd, lot 66, square 129, 59.

Purmer Estate—David J. Dunigan to Mary C. Stauffer, lot 133, 59.

2191 First street southeast—Henry P. Blatz and Joseph A. Stauffer, to Clara M. Grimes, lot P, square 602, 59.

### DEEDS OF TRUST

Uniontown, lots 10 and 15—Melville E. Cornish et al. to Louis J. Smith and Clarence N. Babin, to secure \$1,000, 6 years, 5% per cent, semi-annually.

Uniontown, lots 603—Melville E. Cornish et al. to George C. Stanley Klein and Belle F. Klein R. 50, 3 years, 5 per cent, semi-annually.

Holmes and Charles, lot 100, block 44—Edward T. and Anna E. Nagata, to secure \$1,000, 6 years, 5% per cent, semi-annually.

Kenilworth, lot 11 and 12, block 3—Samuel R. and Mabel R. Murphy, to secure \$1,000, 6 years, 5% per cent, semi-annually.

Whitehaven, St. Philip and Jacob, lot 5, 6 and 10, block 1—George P. Duxie and Eldridge E. Jordan, to secure \$1,000, 6 years, 5% per cent, semi-annually.

123 Emerson street northwest—Mary C. Hansen to Edwin B. Settle, lot 136, square 1029, 59.

Cherry Chase—Henry L. Breuninger to Wilbur H. and Mabel R. Murphy, lots 11 and 12, block 3, 59.

1004 B street southeast—Henry C. Hazard et al. to Rita P. Rafferty, part original lot 4, square 402, 59.

West Brookland Park—Edward F. Hall et al. to John W. Hall, lot 9, block 4, 59.

Kenilworth—Owen H. Fowler et al. to James H. Fowler, lots 102 and 103, square 4, 59.

North Columbia Heights—Jacob S. Gruver et al. to Thomas J. and Sharrle S. Hurd, lot 66, square 129, 59.

Purmer Estate—David J. Dunigan to Mary C. Stauffer, lot 133, 59.

2191 First street southeast—Henry P. Blatz and Joseph A. Stauffer, to Clara M. Grimes, lot P, square 602, 59.

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North Columbia Heights—Jacob S. Gruver et al. to Thomas J. and Sharrle S. Hurd, lot 66, square 129, 59.

Purmer Estate—David J. Dunigan to Mary C. Stauffer, lot 133, 59.

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### INSTALLMENT PLAN RULING IS ISSUED

Court of Appeals Decides Initial Buyer Is Entitled to Amount in Excess of Indebtedness.

Really owners who sell property in the District on the installment plan and later re-sell the same property to other people after the initial purchaser has failed to make good his payments must pay to the initial purchaser all money they receive in excess of the indebtedness of the initial purchaser.

Furthermore, if the first purchaser shall borrow from the realty owner money to improve the property, the owner cannot expect any amount from the borrowed money to pay for negotiating the loan.

This is the ruling of the District Court of Appeals in an opinion handed down yesterday by Justice Van Orsdel. The case was that of Richard Kidwell against Robinson White.

Mr. White sold Mr. Kidwell a lot. Mr. Kidwell borrowed \$400 to improve the property. Mr. White is said to have secured \$475 as his commission, giving Mr. Kidwell \$400. The court held that this was usury.

The court also held that Mr. Kidwell had not in equity transferred the property when it had been made over to the realty dealer by him after his purchase, but held that that transaction was merely the execution of a mortgage.

Therefore, Mr. Kidwell is entitled to an accounting and to the payment of the balance of the second selling-price above his indebtedness to Mr. White.

This case was remanded to the District Supreme Court for the accounting and "a decree consistent with the opinion of the Appellate Court."

Mr. Kidwell's case was presented by Attorneys W. W. Edwards, John Ridenour and C. E. Crews. Mr. White was represented by Attorney Andrew Wilson.

### MARRIAGE LICENSES

WHITE.

Lewis A. Pinner, 27, of Southwest, N. C., and Doris Cecilia Spurr, 21, of Washington, Rm. Time E. Davis.

Clifton W. Powell, 35, and Edith Kidwell, 30, of Baltimore, Md., Rm. 2, 2nd floor, M. C. Morris, 30, Rev. G. G. Johnson.

William F. Morris, 27, and Lillian A. Herrell, 21, of Baltimore, Md., Rm. 2, 2nd floor, M. C. Morris, 30, Rev. G. G. Johnson.

Charles S. Perry, 32, of Atlanta, Ga., and Vera I. Brennan, 23, of Buffalo, N. Y., Judge Milton S. Stranahan.

Andrew Pringle, 27, and Virginia Vallaria, 21, Rev. M. De Carlo.

James E. Kane, 30, and Ida F. Shanhoe, 25, both of Modena, Va., Rev. L. M. Morgan, 30, Rev. G. G. Johnson.

Charles K. Bova, 25, of Harrisburg, Pa., and Laura C. Lawrence, 23, of March Chunk, Pa., Rev. H. Armstrong.

Frank Wood, 40, and Lettie C. Myers, 30, both of Petersburg, Va., Rev. James A. Smyth.

COLORADO.

J. C. Shelton, 27, and Marie Clark, 21, Rev. Sheldon Miller.

Wilcox M. Thomas, 40, and Alice Washington, 21, Rev. R. F. Porter.

John H. Calhoun, 33, and Mary E. Taylor, 21, both of Washington, Va., Rev. A. J. Tyler.

James A. Davis, 40, and Geneva I. Bowman, 21, Rev. J. H. Blum.

Oscar Quilley, 28, and Jennie Green, 21, Rev. A. Saylor.

Peter B. Stemann, 30, and Beulah V. Rothman, 21, of Harrisburg, Md., Rev. C. E. Crews.

James Allen, 30, and Mable Barnes, 21, Rev. C. H. Fox.

John E. Pike, 21, and Rose Hankins, 21, Rev. C. H. Fox.

W. B. Dickson, 21, and Mary Johnson, 21, Rev. C. H. Fox.

3-Corra, H. O'Connor et al. vs. John T. to Rudolph Kaufmann and John O. Simpson, to secure \$1,000, 6 years, 5% per cent, semi-annually.

Uniontown, lot 10 and 15—Melville E. Cornish et al. to Louis J. Smith and Clarence N. Babin, to secure \$1,000, 6 years, 5% per cent, semi-annually.

Uniontown, lots 603—Melville E. Cornish et al. to George C. Stanley Klein and Belle F. Klein R. 50, 3 years, 5 per cent, semi-annually.

Holmes and Charles, lot 100, block 44—Edward T. and Anna E. Nagata, to secure \$1,000, 6 years, 5% per cent, semi-annually.

Kenilworth, lot 11 and 12, block 3—Samuel R. and Mabel R. Murphy, to secure \$1,000, 6 years, 5% per cent, semi-annually.

Whitehaven, St. Philip and Jacob, lot 5, 6 and 10, block 1—George P. Duxie and Eldridge E. Jordan, to secure \$1,000, 6 years, 5% per cent, semi-annually.

123 Emerson street northwest—Mary C. Hansen to Edwin B. Settle, lot 136, square 1029, 59.

Cherry Chase—Henry L. Breuninger to Wilbur H. and Mabel R. Murphy, lots 11 and 12, block 3, 59.

1004 B street southeast—Henry C. Hazard et al. to Rita P. Rafferty, part original lot 4, square 402, 59.

West Brookland Park—Edward F. Hall et al. to John W. Hall, lot 9, block 4, 59.

Kenilworth—Owen H. Fowler et al. to James H. Fowler, lots 102 and 103, square 4, 59.

North Columbia Heights—Jacob S. Gruver et al. to Thomas J. and Sharrle S. Hurd, lot 66, square 129, 59.

Purmer Estate—David J. Dunigan to Mary C. Stauffer, lot 133, 59.

2191 First street southeast—Henry P. Blatz and Joseph A. Stauffer, to Clara M. Grimes, lot P, square 602, 59.

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### "BUSY"

When the operator reports "Busy" or "Don't Answer," remember that it is easier for her to put through the call than to make such a report. If you are calling a party line telephone, remember that the "busy" report may not necessarily be because the particular telephone you are calling is in use; possibly it is some other telephone on the same line.

Be slow to blame the operator for every little difficulty. There are two other parties to a telephone conversation.

When you Telephone—Smile